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501.39983X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: NABATAME et al.
Serial No.: 09/806,861
Filed: March 18, 2002
For: SEMICONDUCTOR DEVICE AND MANUFACTURING
METHOD THEREOF
Group: 2812
Examiner: J. Kennedy

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner
for Patents
Washington, D.C. 20231

September 18, 2002

Sir:

In response to the restriction requirement dated March 18, 2002 in the above-identified application, applicants hereby respectfully traverse this restriction requirement.

With regard to the present claims, it is respectfully submitted that both the method claims 1 to 5 and 7 to 12 and the device claims 6, 13 and 14 are very closely related to one another, to the point of justifying a common examination. Comparing device claim 6 with method claim 5, it is noted that both define the formation of electrodes comprising Ru, RuO₂ or a mixture of Ru and RuO₂. Both also define a semiconductor device having a dielectric operating in conjunction with electrodes. Accordingly, it is respectfully submitted that the common issues of these claims call for a common examination of both the device and method claims in this application. Such a common examination will avoid redundant efforts in searching and

prosecuting which will almost surely result if this restriction requirement is not removed.

Further, it is urged that such a common examination is warranted, notwithstanding the fact that other methods could possibly be used for manufacturing the device, as pointed out in the Office Action. MPEP 803 specifies:

“If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

It is respectfully submitted that this is the situation here, given the close relationship between the device and the method claims in question. Accordingly, it is respectfully requested that the Examiner reconsider this restriction requirement in light of the above comments, and MPEP 803, and, correspondingly, remove the restriction requirement.

Although the applicants believe that the restriction requirement is not warranted for the reasons set forth above, in order to be fully responsive to the restriction requirement, applicants hereby elect Group I claims 1 to 5 and 7 to 12, drawn to the method, subject to the traverse provided herein.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of, either by telephone discussion or by personal interview, the Examiner is invited to contact applicants' undersigned attorney at the number indicated below.

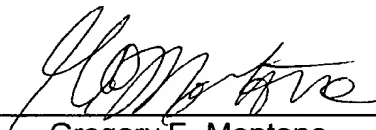
To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the

filing of this paper, including extension of time fees, to the deposit account of
Antonelli, Terry, Stout & Kraus, Deposit Account No. 01-2135 (501.39983X00)

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By



Gregory E. Montone

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